

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE**

Office of Business Liaison

Public inquiries: Employer hotline 800-357-2099 Fax 202-305-2523 E-mail office.business.liaison@usdoj.gov
Order INS Forms 800-870-3676 Website www.usdoj.gov/ins/

**EMPLOYMENT ELIGIBILITY VERIFICATION REQUIREMENTS
FOR AU PAIR HOSTS**

UNDERSTANDING EMPLOYMENT ELIGIBILITY VERIFICATION REQUIREMENTS

The Immigration Reform and control Act made all U.S. employers responsible to ensure that employees hired after November 6, 1986 are eligible to work in the United States. To implement the law, employers are required to complete Employment Eligibility Verification Forms I-9 for all employees.

EMPLOYMENT ELIGIBILITY VERIFICATION OF J-1 AU PAIR VISITORS

Employer specific

The au pair exchange visitor may not work for any employer other than host family.

Work authorization restricted

The au pair exchange visitor's duties may not exceed 45 hours per week of childcare. Each au pair's services are available for one year only. Extensions are not permitted.

COMPLETING FORM I-9

Third party assistance

Designated au pair program sponsors are not required by law or regulation to complete a Form I-9 for au pair participants. These programs do not "employ" au pairs within the definition in INS regulations; the host families are the employers. Although the programs refer au pair exchange visitors to host families for employment, they are not the types of referrers and recruiters referenced in the INS **Handbook for Employers**, that cover agricultural associations and contractors that receive fees for referral services.

Designated au pair program sponsors are not prohibited from providing clerical assistance to an au pair employee or employer in filling out Form I-9. Program sponsors may also provide substantive assistance in completing Section I of the Form I-9 for the au pair exchange visitor as long as the au pair provides an original signature and the program sponsor completes and signs the Preparer/Translator Certification at the bottom of Section 1. Program sponsors may also be designated as agents of host family employers to act in their interests with respect to employment eligibility verification requirements. However, under these circumstances, the employers remain liable for violations of employer sanctions laws as if they had completed Section 2 and reviewed documents personally.

INS Assistance

Host families may call INS' Office of Business Liaison hotline (**see heading above**) with questions about employment eligibility verification of J-1 au pair visitors. Complex questions requiring detailed information about the employment eligibility verification of J-1 au pair visitors should be faxed to (202) 305-2523, e-mailed to office.business.liaison@usdoj.gov, or addressed to the Office of Business Liaison at 425 I Street, NW. Washington, DC 20536.

Section 1	The host family must ensure that Section 1 is completed and signed by the au pair employee. The au pair employee is responsible for the accuracy of information provided in Section 1.
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When to complete?----- No later than the first day on which au pair services for the host family begin.

Which address to use?-----Use address of host family rather than au pair employee's home address.

What about Social Security #?----- Not applicable (see note on Social Security numbers below).

Which status applies?----- Au pair visitors are not U.S. citizens or lawful permanent residents. They are aliens with temporary work authorization and should check the bottom status box, indicating the expiration dates of their programs found in the admission stamp on their I-94 Arrival-Departure Records.

Signature-----The au pair employee's original signature is required.

When must Translator/Preparer certification be completed? This section is generally not applicable, since au pair visitors are required to have English language competency and should understand the information elements required. If the employer or other party such as the exchange program sponsor provides substantive assistance to the au pair visitor in completing Section 1, that party must provide a Preparer and/or Translator certification.

Section 2	Section 2 information is the responsibility of the host family employer.
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When to complete?-----Within 3 days of date on which au pair employee begins services

What is acceptable documentation?-----See lists on reverse side of Form I-9 (**attached**).

Document review standard. -----The au pair employer or designated agent must make a determination that the au pair employee's documentation appears genuine and to have been lawfully issued to him or her.

Recording documentation. In most if not all cases, the employment eligibility verification documentation submitted by an au pair exchange visitor is his or her unexpired foreign passport and INS Form I-94, Arrival-Departure Record. This should be documented as follows under List A:

for unexpired passport	Document title: passport Issuing authority: country that issued passport Document #: passport number Expiration date: listed inside front cover of passport
for Form I-94 (Arrival-Departure Record)	Document title: <i>Form I-94</i> Issuing authority: INS Expiration date: see admission information on Form I-94

Photocopying Documentation This is optional. If made, photocopies should be attached to the Form I-9.

Signature The original signature of host family employer or designated agent is required.

Section 3	The Updating and Reverification Section is generally not applicable since the services of au pair employees cannot be extended past the expiration date of their temporary J-1 programs, unless change of status is granted.
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Related Issues

Filing and Retention of Form I-9 File at place of employment. Retain for 3 years from au pair's start date.

Social Security Cards For information about the circumstances under which an au pair exchange visitor can obtain a Social Security Card **and** the procedure for doing so, please see Social Security Administration Publication No. 05-10096, "Lawfully Admitted Aliens-When You Need a Social Security Number and When You Don't," which is available from this office upon request.